state commerce. *Robbins* v. *Shelby County Taxing District*, 120 U. S. 489. See *Paul* v. *Virginia*, 8 Wall. (U. S.) 168, 182. Generally the courts have avoided this problem by holding, as does the second case, that the law in question applies only to suits arising from intrastate business. *Mearshon & Co.* v. *Pottsville Lumber Co.*, 187 Pa. 12, 40 Atl. 1019. Even when construed as in the first case, the statute has been sometimes considered valid. *Wilson-Moline Buggy Co.* v. *Hawkins*, 80 Kan. 117, 101 Pac. 1009. But the rule established by the first principal case has been adopted by several other courts, and seems plainly sound. *Bateman* v. *Western Star Milling Co.*, 1 Tex. Civ. App. 90, 20 S. W. 931; *Murphy Varnish Co.* v. *Connell*, 10 N. Y. Misc. 553, 32 N. Y. Supp. 492. As to the general right to do interstate commerce, it is settled that such restrictions as were here imposed are invalid. *International Textbook Co.* v. *Pigg*, 217 U. S. 91. To put similar conditions precedent on the right to sue in the state courts indirectly hampers interstate commerce, by shutting off the foreign corporation from the normal mode of enforcing its rights against those with whom it deals. It is no more legitimate to require a choice between this hardship and the expense of complying with the law than to demand absolute obedience to the conditions of the statute. See 23 HARV. L. REV. 66.

INTERSTATE COMMERCE — CONTROL BY STATES — STATE TAX ON INTERSTATE C. O. D. SHIPMENTS OF INTOXICATING LIQUORS: WEBB-KENYON ACT. — A state statute imposed an occupation tax of five thousand dollars on each place maintained for handling liquors C. O. D. TEXAS, LAWS OF 1907, c. 4. The defendant pleads this statute as a defense to a refusal to deliver an interstate C. O. D. shipment of liquors made by the plaintiff. *Held*, that the statute is constitutional. *Rosenberger* v. *Pacific Express Co.*, 167 S. W. 429 (Mo.).

The holding of the principal case, that collections on interstate C. O. D. shipments are not part of interstate commerce, seems unsound, for the commerce clause of the Constitution has been broadly construed to include all dealings intimately related to the importation of goods or passengers from one state to another. *Butler Bros. Shoe Co.* v. *United States Rubber Co.*, 156 Fed. 1. Thus a license tax on firms shipping goods into the state C. O. D. has been held an unconstitutional regulation of interstate commerce. *Norfolk & Western Ry. Co.* v. *Sims*, 191 U. S. 441. For the same reason a state statute prohibiting the delivery of any C. O. D. shipment of intoxicating liquors is unconstitutional. *Adams Express Co.* v. *Kentucky*, 206 U. S. 129. The tax imposed in the present case was so high as to amount to a prohibition of such shipments of liquors into the state, and seems clearly unconstitutional unless aided by the so-called Webb-Kenyon Act, to which the court did not refer. *Louisville & Nashville R. Co.* v. *Cook Brewing Co.*, 223 U. S. 70. In substance, this statute prohibits interstate shipments of liquor intended to be used in violation of the law of the state of destination. 37 U. S. STAT. AT LARGE, 699. See 27 HARV. L. REV. 763. Various constructions have been put on this act by the state courts, but the better view seems to be that it makes interstate shipments illegal only where there is an intent to use the liquors for a purpose unlawful by virtue of a state statute valid as an exercise of the police power independent of this act. *Southern Express Co.* v. *State*, 66 So. 115 (Ala.); *Palmer* v. *Southern Express Co.*, 165 S. W. 236 (Tenn.); *contra*, *Adams Express Co.* v. *Beer*, 65 So. 575 (Miss.). See 28 HARV. L. REV. 225. Accordingly, under this view, the federal law would not cure the unconstitutionality of the present statute.

LANDLORD AND TENANT — CONDITIONS AND COVENANTS IN LEASES — COVENANT TO REPAIR — RIGHT OF THIRD PARTY UNDER COVENANT. — The defendant leased a certain dwelling house to a tenant with a covenant to keep